

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOCELYN PIERRE,

Plaintiff,

-against-

NINE ONE TWO CORP., and
CHONG & BYUNG LLC,

Defendants.

MEMORANDUM & ORDER
19-CV-3326 (NGG) (SMG)

NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Jocelyn Pierre brought this action against Defendants Nine One Two Corp. and Chong & Byung LLC, alleging violations of Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12182, *et seq.*; the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 296; and the New York City Human Rights Law (“NYCHRL”), N.Y.C. Admin. Code § 8-107. (Compl. (Dkt. 1)). When Defendants failed to appear, Plaintiff moved for a default judgment against them. (Pl. Mot. for Default J. (Dkt. 13).) On October 31, 2019, the court referred the motion to Magistrate Judge Steven M. Gold for a Report and Recommendation (“R&R”). (Oct. 31, 2019 Order Referring Mot.) Judge Gold issued the annexed R&R on May 29, 2020, recommending that the court grant in part and deny in part Plaintiff’s motion. (R&R (Dkt. 18) at 9.) Specifically, Judge Gold recommended (1) that Defendants be found liable under the ADA, NYSHRL, and NYCHRL; (2) that an injunction issue requiring Defendants to alter their facilities to make them accessible to and usable by individuals with disabilities, pursuant to 42 U.S.C. § 12188(a)(2); (3) that Plaintiffs be awarded \$1,000 in compensatory damages under NYSHRL and NYCHRL; and (4) that Plaintiff’s request for an award of attorney’s fees and costs under the ADA be denied without prejudice, and that counsel be permitted to submit a sworn statement and billing records to renew the request within 14 days of the court’s order adopting the R&R. (R&R at 9.)

No party has objected to Judge Gold’s R&R, and the time to do so has passed. *See Fed. R. of Civ. P. 72(b)(2)*. Therefore, the court reviews the R&R for clear

error. *See Gesualdi v. Mack Excavation & Trailer Serv., Inc.*, No. 09 CV 2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). Having found none, the court ADOPTS the R&R in full.

SO ORDERED.

Dated: Brooklyn, New York
September 16, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge